

REMARKS

Claims 2-10 are pending in the present application. Claims 11-22 were previously canceled as directed at non-elected subject matter. Claim 1 has been canceled. This response contains amendments to claim 7 and 10 which were suggested in the Office Action to obviate 35 U.S.C. § 112, second paragraph, rejections. Claim 10 also was amended to eliminate a repeated word. Claim 9 has been amended to incorporate the correct article. The amendments contained herein were previously submitted in a response under 37 CFR §1.116 but were not entered. The same amendments are presented herewith except for the issue raised in the advisory action. This paper amends the claims as submitted in applicant's response dated September 12, 2005. The amendment to claim 10 in the submission under 37 CFR §1.116 has been modified as described below in view of comments in the advisory action.

The Advisory Action identifies two issues which are unresolved: (a) the use of the term "MgX" in claim 10 and (b) item 1 previously raised in the Office action dated October 26, 2005. Applicants thank the Examiner for indicating the other 35 U.S.C. § 112, second paragraph, issues were resolved and that the objection to the amendments to the specification under 35 U.S.C. §132(a) was withdrawn.

The previously proposed amendment did not suggest the independent existence of a group "MgX" rather it suggested R^5MgX [R^5-M wherein M is ... or MgX wherein X is halogen]. Thus "MgX" is part of a Markush group. It is therefore divalent and not indicative of a new valence state for magnesium. Page 3 lines 1-2 of the Office Action dated 10/26/2005 suggested that defining M as MgX would overcome the prior 35 U.S.C. § 112, second paragraph rejection. In the interest of advancing the prosecution, this portion of claim 10 has been amended herein to "... or [a magnesium metal complex] R^5-M is a Grignard reagent, ...". Page 19 lines 4-6 of the specification specifically teaches that the displacement can be carried out with a Grignard reagent R^5-MgX , thus this amendment does not introduce new matter.

The terms alkylthiol and arylthiol in the definition of R^5 in claim 10 have been amended to "alkylthio" and "arylthio" respectively. Analogous amendments to the specification as detailed on page 2 also are requested. Support in the specification for this amendment was provided in the submission under Rule 1.116 and the advisory action indicated there was sufficient support in the specification for the amendment.

CONCLUSION

The Advisory suggests that these two issues were the only remaining issues. The present amendment should resolve both issues and the allowance of the claims as amended is respectfully requested. A request for a two month extension is also enclosed herewith. If the Examiner believes a telephone conference or an examiner's

amendment will expedite the prosecution of this application, the Examiner is invited to contact the undersigned at the number indicated below.

Respectfully submitted,



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